

Legal & International Affairs Division

to : SCT Forum  
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### **Comments on document 34/2/prov.**

Switzerland thanks the Secretariat for the revision of document 34/2/Prov. As shown in the presentation of David Haig of Brand Finance at the last SCT the protection of country names should be an important issue for every State. In a globalized world, the growing use (including misuse) of country names and their important value calls for measures for a better protection. Switzerland supports the discussion in the SCT about country names.

With regard to the document 34/2/Prov.:

- We are pleased with the clear structure supporting an efficient navigation within the chapters;
- Para. 29-36: the document is not really informative about which conditions apply for a country name to be considered misleading. The large margin of interpretation in this regard is not detailed (for example, specified through jurisprudence) in the document;
- In general, we miss detailed information to the chapters “misleading” and “entitlement and grounds to file an opposition” (para. 29 and following /37/ 54/57);
- Some countries distinguish between a “misleading” and an “incorrect” country name. This distinction is not present in the document;
- Para. 75-82: the *use* of a country name is also a very important aspect of the protection. This chapter is quite short and does not give a clear overview on the situation;
- Para. 88: as the document should be descriptive of office practices, we ask to delete the word “already widely” in the sentence “raise awareness of the already widely existing possibilities”.